

Doc Code: AP.PRE.REQ

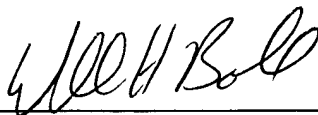
PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		20-546	
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	09/736,167	12/15/00	
	First Named Inventor	JAKUBOWSKI	
	Art Unit	Examiner	
	2176	BASHMORE, W.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 36,457 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			



Signature
William H. Bollman

Typed or printed name
202-261-1020

Telephone number
November 15, 2006

Date

<input type="checkbox"/> *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/736,167
Filed: December 15, 2000
Group Art Unit: 2176
Examiner: Bashmore, W.
Atty Docket No.: 20-546

In re Patent Application of:

JAKUBOWSKI

Title: **SITE MINING STYLESHEET GENERATOR**

November 15, 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated June 15, 2006 and the Advisory Action dated October 13, 2006, please enter the following remarks in the subject application:

The Examiner continues to frustrate the Applicants with a rejection that parses the claimed features into simplistic elements, allegedly finds the simplistic elements within the cited prior art, combines the simplistic elements without consideration for their use within the cited prior art, combines the simplistic elements to recreate the claimed features without suggestion within the cited prior art and provides motivation to combines the cited references without any suggestion within the cited prior art for such combination.

REMARKS

Claims 1-98 are pending in the application.

Claims 7-23, 30-43, 47-53, 60-75 and 82-98 over Li

In the Office Action, claims 7-23, 30-43, 47-53, 60-75 and 82-98 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,799,299 to Li et al. ("Li"). The Applicant respectfully traverses the rejection.

Claims 7-23, 30-43, 47-53, 60-75 and 82-98 respectively recite determining an address for uniquely locating an item of content to be extracted and a site mining address for locating an item of content in a source page.

The Examiner acknowledged that Li "does not specifically disclose the above expressions as an address (see Office Action dated June 15, 2006, page 3). However, the Examiner alleged that it would have been obvious to one skilled in the art to "use external HREF link addresses for uniquely locating content, and as part of transformation information, providing the benefit of increasing locations of possible extraction." (see Office Action dated June 15, 2006, page 3).

The Examiner alleged a benefit to Li that would result from the Examiner's proposed modification of Li. However, using an address targets content that would **NOT** result in the Examiner's alleged benefit to Li of increased locations of possible extraction. The Examiner proposed modification of Li would in fact decrease the extraction to only those items that are at a particular address. Thus, the Examiner's motivation to modify Li is flawed, nonsensical and unfounded. The Examiner has still failed to provide proper motivation to modify Li in any way, much less in the manner proposed by the Examiner.

Moreover, the Examiner has failed to show how modifying Li's invention to use an address for extraction would increase locations of possible extraction. Li's invention uses pattern matching (see Li, col. 5, lines 62-66). Pattern matching potentially can return a large number of items that match the specified pattern. Thus, Li's invention already has the benefit of potentially

having a large number of locations of possible extraction that would **NOT** benefit from use of an address.

Moreover, as discussed above, an address allows targeting of content at a particular address. Li's invention is directed toward finding any content that matches a specified pattern, i.e., teaching use of an open search for content that matches a specified pattern. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Li teaches AWAY from using a targeted search for content that results from using an address.

Thus, Li relies on pattern matching to determine on which elements an action is to be performed. In contrast, Applicant's claimed features rely on an address. Pattern matching fails to disclose or suggest use of an address, much less disclose or suggest determining an address for uniquely locating an item of content to be extracted and a site mining address for locating an item of content in a source page, as recited by claims 7-23, 30-43, 47-53, 60-75 and 82-98.

Accordingly, for at least all the above reasons, claims 7-23, 30-43, 47-53, 60-75 and 82-98 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-6, 24-29, 44-46, 54-59 and 76-81 over Li in view of Bickmore

In the Office Action, claims 1-6, 24-29, 44-46, 54-59 and 76-81 were rejected under 35 U.S.C. §103(a) as allegedly being obvious Li in view of U.S. Patent No. 6,857,102 to Bickmore et al. ("Bickmore"). The Applicant respectfully traverses the rejection.

Claims 1-6, 24-29, 44-46, 54-59 and 76-81 recite a system and method generating a site template to format a layout of a stylesheet based on capabilities of a mobile device.

The Examiner acknowledged that Li fails to disclose content selection and style manipulation are expressly performed based on the

capabilities of a mobile device client (see Office Action dated June 15, 2006, page 7). Thus, the deficiency in Li is that Li fails to disclose generating a site template to format a layout of a **stylesheet** based on capabilities of a mobile device, as recited by claims 1-6, 24-29, 44-46, 54-59 and 76-81. The Office Action dated June 15, 2006 is improper for failing to address the all of the limitations of claims 1-6, 24-29, 44-46, 54-59 and 76-81.

The Examiner alleged that Brickmore discloses generating a site template based on capabilities of a mobile device and generating content and style transformation information based on capabilities of a mobile device in Figs. 1, 2, 11 and 16; and at col. 3, line 55-col. 5, line 16. However, Brickmore appears to disclose an automatic re-authoring system and method to re-author a document originally designed for display on a desktop computer screen for display on a smaller display screen, such as a PDA or a cellular telephone (Abstract). Contrary to the Examiner allegation, Brickmore fails to even mention use of a site template and a stylesheet, much less a site template to format a layout of a stylesheet, much less a system and method generating a **site template** to format a layout of a **stylesheet** based on capabilities of a mobile device, as recited by claims 1-6, 24-29, 44-46, 54-59 and 76-81.

The Examiner argued in the Response to Arguments section of the Office Action dated June 15, 2006 that Brickmore discloses a site template based on capabilities of a mobile device (see Office Action dated June 15, 2006, page 8). However, Applicant's claimed site template is used to format a layout of a **stylesheet**. Brickmore's acknowledged site template that is based on capabilities of a mobile device is **NOT** a **site template** to format a layout of a **stylesheet** based on capabilities of a mobile device, as recited by claims 1-6, 24-29, 44-46, 54-59 and 76-81.

Moreover, even if Brickmore disclosed use of a site template and a stylesheet, which as discussed above Brickmore fails to even mention, there is no suggestion within the prior art to modify Li with the disclosure of Brickmore. Although Li recognized various devices having various capabilities, Li fails to even mention performing different types of transformations for different types of

devices. The Examiner has failed to refute that Li lacks any suggestion to be modified to perform any function based on capabilities of a mobile device, with any such modification of Li without some suggestion within the cited prior art being based on improper hindsight.

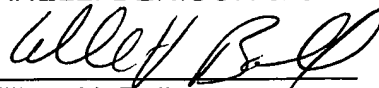
Moreover, Brickmore at col. 3, lines 55-63 discloses "automatic re-authoring ... to provide broad access to web documents or other web content from a wide range of devices". Brickmore is able to perform such automatic re-authoring to provide broad access to web documents or other web content from a wide range of devices **WITHOUT** generating a **site template to format a layout of a stylesheet based on capabilities of a mobile device**. The Examiner has **STILL** failed to provide reason why one skilled in the art would modifying Li with anything other than Brickmore's disclosure that **FAILS** to use a **site template** or **stylesheet** to arrive at the relied on benefit.

Accordingly, for at least all the above reasons, claims 1-6, 24-29, 44-46, 54-59 and 76-81 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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